

1871-008 Chancery Causes: James Ranney vs. George Russell &
Lee Co

Wells

1 Plat

CA - Contract Dispute

T-Property

-Deed

90 The Honorable Henry J. Morgan Judge of
the circuit court of Lee County -

Your orator James Ramey, humbly com-
plaining sheweth unto your Honor, that
on the 17th day of January 1870, he pur-
chased, at a sheriffs sale, from one
Charles J. Harris then D.S. for William W.
Sage then high sheriff of said county
the undivided moiety of a 73 acre tract
of land, ^{situated in this county} which was sold, to satisfy
certain debts, due from John M. Ely
to whom the said moiety of land then
belonged, and the said ^{sale} was afterwards
to wit at the February term ¹⁸⁷⁰ of the
County Court of said County confirmed
and the said Harris directed to convey
to your orator the said moiety of land
which he did on the 18th day of October
1870. which said deed is herewith filed
marked A and prayed to be considered
herewith. By which it will be seen
the said Ely only held & there was
only sold to your orator one ~~undivided~~
half of said land - The said Ely had
purchased from Eugene Wells who held
jointly the said lands with his brother
Eli Wells. The last named is now dead
and leaves the following infant children
his heirs at law, to whom the said lands
have descended; to wit Eli L. Wells, Charles
H. Wells, Sophia E. Wells, & Eugene Wells
His late widow is also yet living, and has
a dower interest in said lands, but she
has since intermarried with one George Russell

and they together with said infant children
have removed to the state of Kentucky, &
taken up their permanent residence -
a copy of the deed which shows the
joint holding of said land, by the said
Wells brothers and the one conveying the afore-
said merely to John W. M. Ely will induce
him to file with this bill marked respecting
B & C. - The object of this bill therefore
is to have partition, made of the said
lands between your orator and the said
Eli Wells' heirs and to that end he prays
that, Julia A. Russell late Wells, widow of
Eli Wells, George Russell, Eli L. Wells & Charles H.
Wells Sophia Wells Squire Wells, be made
parties defendants to this bill and answer
its allegations on oath. That a guardian
ad litem be appointed, to answer and pro-
tect the said infants, that on a hearing
a decree be rendered, directing par-
tition to be made of said lands
equally quality and quantity considered
between your orator and the said
Eli Wells' heirs; and for all such other
further & general relief as your orator
may in equity be entitled, and your
orator will as in duty bound
pray &c. - May summons issue &c.

L. J. & P. Primm

J.B. West, C. #4. 86

LHP

James Ramey

vs } Bill Chy

George Russell et al

Exhibit A.B.C.

1870 Nov. Bill filed, pa 1

" " T.D. Mag

" Decr. D. N. confd & cause

set for hearing by plft

1870 Dec. Term. Decreted

1871 Jan. cont'd. in court

" March, Shiloh May Court

1871 June. Decree final.

J.B. H. 4.36

Alb. 8.24

4.15.00

Q.A.L. 5.00

S. 4.82

Com. Exces. 3.07

" Morgan. 1.00

" B. & J. 1.00

1871.66

chd 69

To the Honorable Henry J. Morgan Judge
of the County Court of Lee County;

The joint answer of Eli L. Wells Charles
H. Wells Sophia E. Wells and Esquire Wells by
David Miller their Guardian ad litem
to the bill of Complaint filed in the
County Court of Lee County Virginia
against these defendants and others
by James Ramsey respectfully represents
and for answer thereto say that they
are infants under twenty one years
and of their own knowledge know
nothing of the facts and allegations
contained in Complainants bill and
consequently neither admit nor deny
the allegations contained in Complainants
bill but the Courts of Chancery being the
peculiar Guardians of the rights of
infants these defendants ask the pro-
tection of this Court in any and every
thing that affect their rights and in-
terests in the premises And these de-
fendants reserve to themselves now &
at all times hereafter the full ben-
efit of all just and proper ex-
ceptions to Complainants bill and
ask that the Court require the Com-
plainant to require proceed in this
cause according to the strict rules
of equity and justice. And having
answered these defendants ask to be
dismissed with their Costs.

David Miller
Guardian ad litem

Virginia Lee County to wit:

This day David Miller personally appeared before me the undersigned a Commissioner in Chancery in the Circuit Court of Lee County and made oath that the facts and allegations contained in the foregoing answer are true to the best of his knowledge and belief. This 21st day of Dec. 1870
 Henry J. Morgan

James Haney
 }
 } answer of
 } St. Guardian ad litem
 George Russell
 & others
 1870 Dec. 21 at Fildes
 W. B. Hoad, clk

B. 1.50
 300
 4.50
 39.60
 198.00
 39.60
 41.58
 32.20
 38.58
 192.9

To The Honorable Judge of the county
court of Lee County -

The joint answer of George Russell &
Julia A. Russell formerly Julia A. Wells
to a bill filed in this Honorable court ~~against~~
them, et al., ^{by James Purney} these respondents saving
and reserving to themselves, the benefit of
all just and proper exceptions to said
bill for answer thereto, or so much thereof
as they deem necessary answering
they say so far as they know, the pl. ff's
bill is correct, and that by the showing
thereof the female respondent would
be entitled to a dower interest in the moiety
of land of which her late husband Eli
Wells died seized - These respondents are
willing to the partition prayed for in
the bill, and they they further pray that
the said comes therein appointed when
they have equally partitioned the same
then that they go on, and by off to
the female respondent one third in
rental value of the said moiety
owned by Eli Wells at the time of
his death and having now answered
they pray hence to be dismissed with
their costs -

Hagan & Pucknery

George Russell wife

acts } answer

James Ramey

1820 Dec. Rules. Filed
J. P. M. & Co

James Ramey Pl. ff } In ch
vs }
George Russell et al. def.

This cause came on again this day again to be heard upon the papers formerly read in the cause, and the report of Eli Davis James D. Morgan & Joseph D. Bunchy and was argued by counsel, and it appearing to the court that the said report has been filed more than 30 days before the commencement of this term, and no exceptions being taken thereto the same is confirmed. On consideration, whereof the court is of opinion and doth so adjudge order and decree that the parties, take and hold the lots or parcels of land assigned them in said report and hold the same free from the claims of each other, and that the clerk of this court, record said Report and plat accompanying the same in the book ~~taken~~ kept by him for the recordation of deeds, — and that the guardians of, Eli L. Charles H. Wells Sophia E. Wells & Eugene Wells pay to the pl. ff one half the costs of partitioning the land between, and the said pl. ff. and that the said guardians pay the further sum of \$3.00, costs in laying off and assigning Julia Wells dower. which sum is to be detached from the entire costs in this suit before paying the pl. ff the one half as before indicated and no further action being necessary ^{Stricken from the docket the} the cause is,

James Ramey
vs { Decree
Final -

George Russell et al

June 7, 1871

Entered O.B. p. 282.
J.B. West, D. Clerk

Enter this Decree
H. J. Morgan
June 23rd 1871

(chd 2)

Virginia

At a County Court continued & held for Lee County,
at the Court House thereof, on Wednesday, Decr: 28-1870.

James Ramey - - - - - Plff }
vs. } In Chancery.

George Russell and others - - - - - Defts }

xxx And thereupon the cause came on to be heard upon the
Bill of the Plaintiff, exhibits filed, and the answer of George
Russell, and Julia A. Russell, and the answer of Eli S.
Wells, Charles H. Wells, Sophia E. Wells, and Squire Wells -
infant defendants - by David Miller, their Guardian ad
litem - and was argued by Counsel. On consideration
whereof, the Court is of opinion, and doth so adjudge, order
and decree that Eli Davis, James D. Morgan, and Joseph
H. Bundy be (and the same are hereby appointed Commis-
sioners, whose duty it shall be to go upon the land
in the Bill mentioned, and make equal partition, having
due regard to quantity and quality between the Plaintiff
and infant defendants - the heirs at law of Squire Wells
decd - and then out of the moiety so assigned the
heirs of Eli Wells, they lay off and assign Julia A. Russell
one third in rental value of said moiety as and for her
dower; and that they make out and return and file
among the papers of this cause a plat, shewing the lot
or lots assigned each party, and also file a report of
their proceedings with the papers of the cause, and the
cause is continued.

A copy -

Lease: James H. Orr, Clerk

James Ramey

vs. } Copy of ^{Degree} order of
Con. :-

George Russell & others

January 31st 1871.

Executed by delivering
to Joseph H Brandy J.D.
Morgan and Eli Davis
an attested office
copy of the within decree

Thos J. Brown, D.S.

for Charles L. Hamblen S.P.C.

James Ranney pl. ff. } In chng
against }
George Russell et als depts }
Upon the motion of the pl. ff. David
Miller is appointed guardian ad litem
for the infant defendants, to wit Eli L.
Wells, Charles H. Wells, Sophie E. Wells and
Edquire Wells; and on his motion leave
is granted him to file his answer which
is accordingly done; And thereupon this
cause came on to be heard upon the
bill of the plaintiff, exhibits filed and
the answer of George Russell & Julius A.
Russell, and the answer of Eli L. Wells,
Charles H. Wells Sophie E. Wells and Edquire Wells
infant defendants, by David Miller their
guardian ad litem and was argued by
counsel, An consideration whereof the
court is of opinion and doth so adju-
ge order and decree, that the said James D.
Morgan and Joseph H. Burdick

be and the same are hereby appointed
commissioners whose duty it shall
be to go upon the land in the bill
mentioned, and make equal partition
having due regard to quantity and qual-
ity between the pl. ff. and the infant
defendants, the heirs at law of Eli & Edquire
Wells deceased, and then out of ^{the} moiety so
assigned the heirs of Eli Wells, they lay off
and assign Julius A. Russell, one third in
rental value of said moiety as and for her
dower, and that they make out & return &
file among the papers of this case a

plot showing the lot or lots assigned
each party and also file a report of
their proceedings, with the paper of the
course & the course is continued -

James Runney

as receiver

George Runnells

Enrolled S.B. 149

Enrollment Office

4th May 1870

in 57 Dec 21 1870

Virginia

At a County Court continued & held for Lee
County, at the Courthouse, on Wednesday Decr. 28. 1870.

James Ramey Plff
vs. George Russell and others Defs } In Chancery.

xxx And thereupon the cause came on to be heard upon
the Bill of the Plaintiff, exhibits filed, and the answer of George
Russell and Julia A. Russell, and the answer of Eli F. Wells,
Charles H. Wells, Sophia E. Wells, and Squire Wells - infant
defendants, by David Miller - their Guardian ad litem, and
was argued by Counsel. On consideration whereof, the
Court is of opinion and doth so adjudge, order, and decree
that Eli Davis, James D. Morgan, and Joseph H. Bundy be
and the same are hereby appointed Commissioners, whose
duty it shall be to go upon the land in the Bill mentioned
and make equal partition, having due regard to quantity
and quality, between the Plaintiff and infant defendants
- the heirs-at-law of Squire Wells dec'd - and then out
of the moiety so assigned the heirs of Eli Wells, they lay
off and assign Julia A. Russell one third in rental value
of said moiety as and for her dower, and that they
make out and return and file among the papers of this
cause a plat, shewing the lot or lots assigned each
party, and also file a report of their proceedings with
the papers of the cause, and the cause is continued.

A copy -

Lester John B. West, C

Lester James H. Orr, clk

~~James D. Morgan~~

James Ranney

vs. } Report of Commrs

Geo. Russell & others.

1871 March 25 Filed
J. B. West D.

" June Term, Confirmed & or-
dered to be recorded.

Recorded in Weed Book

No 16, page 364-5

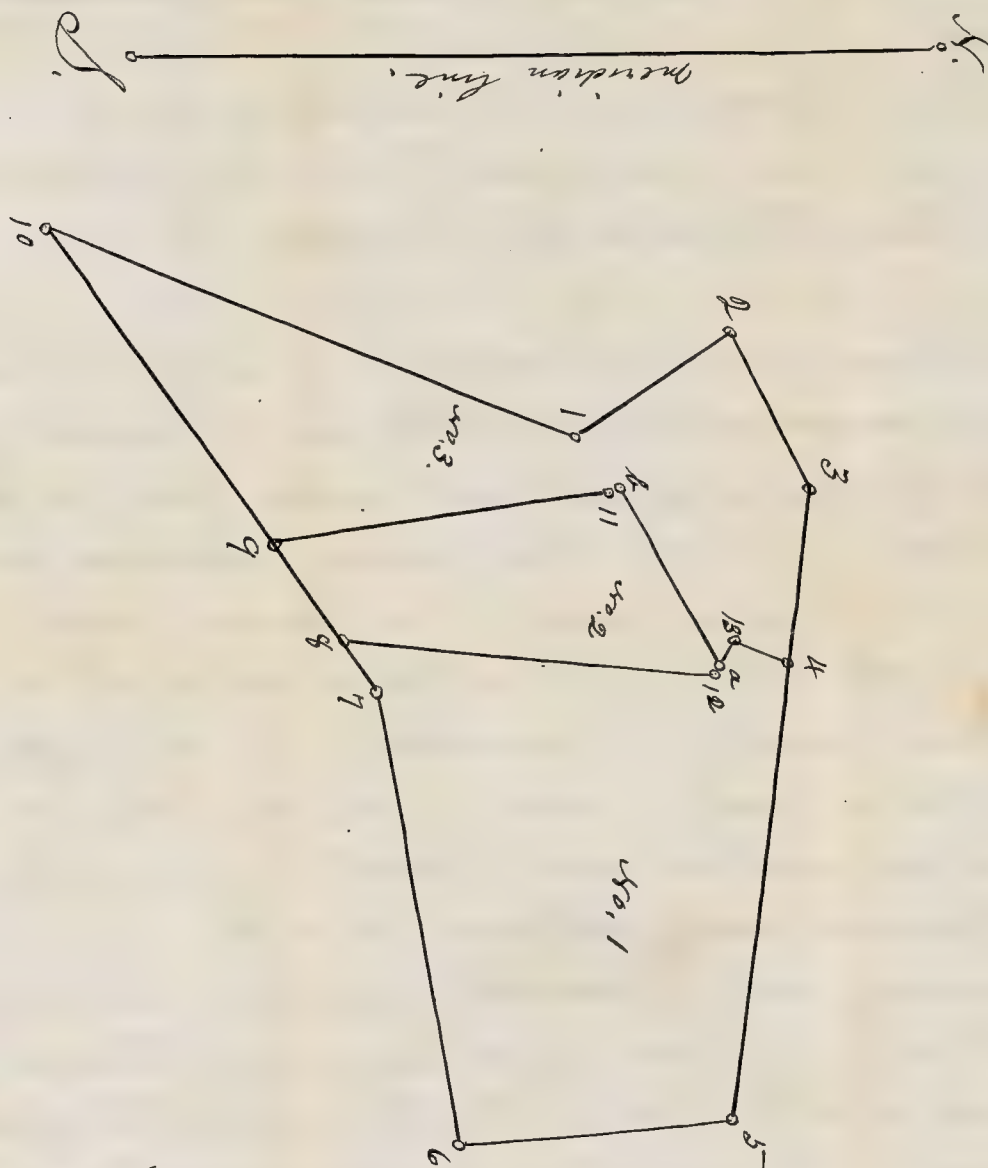
J. B. West, D. Clerk

same is confirmed. On consideration where of the court is of opinion, and doth so adjudge, order, and decree that the parties take and hold the lots or parcels of land assigned them in said report, and hold the same free from the claims of each other and that the clerk of this court record said report and plat accompanying the same in the Book kept by him for the recordation of deeds.

XXXXXX

Attest-

Test. John B. West, D. Clerk



Fees

Eli Davis	\$3.00
James D. Morgan,	1.00
Joseph H. Bruney,	1.00
<hr/>	
Am't.	

To the honorable County Court of Lee County,

Pursuant to your order dated Dec. 28th, 1870
appointing us Commissioner to partition a tract
of Land in the Bill mentioned in The
case of

Case of
James Ramey, Pltff.
vs.
George Russell and Others Defs. } In Chancery,

We, Eli Davis, James D. Morgan and Joseph H. Bundy
 whose names are herewith subscribed, proceeded
 on the 13th day of March 1871, to perform
 the duties imposed by your Order, & report.
 After having surveyed the land, we
 1st, assigned to the Plaintiff James Bracey, the
 Eastern moiety represented by the figures
 5. 6. 7. 8. 12. 13. 4. 5 and marked No. 1 on the
 plat and Estimated to contain 43 acres.
 and bounded as follows; to wit:

Beginning at a double poplar corner to
J. H. Slomp's land and running thence with
his line S. 6 E. 57 poles to a white Oak and
Sourwood; thence S. 81 m. 96 poles to a double
poplar stump and three Chestnut Oaks on
top of a ridge; thence S. 55 m. 12 poles to a
small black Oak; corner to the second lot
and with a line thereof N. 5 E. to a
stake corner to the third lot and with line
thereof N. 57 $\frac{1}{2}$ m. 8 poles to a stake; thence
N. 22 $\frac{1}{2}$ E. 12 poles to a stake on the outside line
and with it S. 82 E. 96 poles to the beginning.

2nd. We assigned to Julia A. Wells the lot marked No. 2, and represented by the Fig. a. 12. 8. 9. 11. b. a. Estimated to contain 14 acres. and bounded as follows; to wit:

Beginning at a Stake in the Main Road,
on a line between the first and third
lots and running thence with the Western
boundary of the first lot S. $57\frac{3}{4}$ E. 2 poles
to a Stake corner to the 1st. lot and with
another line of the same S. 55 m. To a
^{small black oak} ~~stake~~ on the outside line and with it
S. 55 m. To a Stake corner to the
third lot, and with lines thereof N. 8 m. 70
poles to a beech thence N. 28 m. 2 poles to
a Stake in the Main Road and with the
same as it meanders N. 60 E. 44 poles to the
beginning.

Grd. ~~was~~ assigned to the heirs of Squire Walls
Dec'd

The lot marked No. 3 and represented by the
Fig. 1. 2. 3. 4. 13. a. b. 11. 9. 10. 1.
Estimated to contain 29 Acres.
And bounded as follows viz:
Beginning at a Sugar tree on the South Side
of a branch and running Thence N. $34\frac{1}{2}$ W. 37
poles to a white Oak; Thence N. 63 E. $36\frac{1}{2}$ poles
to a Stake on the old Wells line and with
the same S. 82 E. 37 poles to a Stake corner to
the first lot and with lines thereof
S. $22\frac{1}{2}$ W. 12 poles to a Stake Thence

S. $57\frac{3}{4}$ E. 6 poles to a Stake in The main Road corner to the Second lot and with lines thereof S. 60 W. along the main road 44 poles to a Stake, thence S. 28 E. 2 poles to a Beech, thence S. 8 E. 70 poles

to the outside line of the Survey, thence with the outside lines leaving the lines of the Second lot S. 55 W. to a chestnut,

thence N. $22\frac{1}{4}$ E. 119 poles to the beginning.

Thus we have given to James Ramey one half in value, and to Julia A. Russell one third of the other half and to the heirs of Squire Wells the remaining two thirds of the last half as nearly as we could.
All of which is

March the 15th. 1871.

Respectfully Submitted.
See the plat annexed.
Eli Davis,
James D. Morgan,
Joseph H. Bundy,
Commissioners.

Virginia.

At a Court of quarter- Sessions continued & held for Lee County,
at the Court-house thereof, on Friday, the 2nd day of June 1870.

James Ramey

vs.

George Russell et al

Plaintiff

Defendants

In Chancery.

This cause came on again this day to be heard upon the papers formerly read in the cause and the report of Eli Davis, James D. Morgan, Joseph H. Bundy and was argued by Counsel; and it appearing to the Court that the said report has been filed more than 30 days before the commencement of this term, and no exception being taken thereto, the

This deed made this 18th day of October 1870 by and between
Charles T. Harris a ~~Special Commissioner~~ ^{Commissioner} as herein after named
of the one part, and James Ramsey of the other part all of
said County, in the State of Virginia; Witnesseth that
whereas in an action at law lately depending in the County
Court of Lee County instituted by Henry J. Morgan against John
Wm Ely in which said Morgan recovered by the judgment of
said court against said Ely the sum of \$50.00 with interest
thereon from the 13th day of May 1861 till paid and the costs of
Suit, and in which Suit the said Morgan obtained an attach-
ment against the estate of said Ely which was levied on the 7th day
of December 1868 upon the undivided interest of said John Wm
Ely in a certain tract or parcel of land lying and being in the
said County of Lee containing 73 acres and conveyed to said Ely
by Eli Wells by deed bearing date the 11th day of February 1860
and by an order of the said Court entered in said Suit on the
26th day of June 1869 the Sheriff of said County was ordered to sell
so much of said undivided interest in the said Ely in said land
as would be sufficient to satisfy said judgment. And whereas
an attachment was sued out by William M. Sage against
said John Wm Ely which was also levied upon the aforesaid
undivided ^{interest} of said Ely in said 73 acre tract of land which
was returned before said Court on the 20th day of Decr 1869
when a judgment was thereupon rendered by said Court in favor
of said Sage against said Ely for \$126.55 with interest and c. st.
and the said Court also in this cause ordered the said land to
be sold or so much thereof as would be necessary to satisfy the
said judgment. And whereas another attachment was sued

out by William W. Woodard against said Ely which was likewise
based upon said Elys undivided interest in said tract of land
and the same having been returned before the said Court on the
20th day of December 1869 wherein judgment was thereupon
pronounced by said Court in favor of said Woodard against said
Ely for \$107.00 with interest and costs Subject to a credit of \$30.00
And the said undivided interest was again ordered to be sold to
satisfy this last judgment or so much thereof as would be necessary
And whereas on the 17th day of January 1870 the said Charles
Harris deputy as aforesaid in pursuance of said several orders of
sale did proceed to sell said undivided interest of said Ely
in said tract of land consisting of one equal half thereof
at public outcry to the highest bidder on a credit of 6 months
after having first given such notice as the law requires And
at said sale the said James Harney became the purchaser
of said undivided half of said 73 acre tract of land at the price
of \$160.00 that being the greatest price offered therefor And whereas
the said Harris did make to the said Court a report in writing
bearing date the 17th day of January 1870 setting forth said sale
which report at the February term of said Court thereafter held was
was confirmed as at the same time the said Harris was appointed
a Special Commissioner to convey to said Harney said Elys undivided
interest in said land with Covenants of Special warranty
retaining a lien thereon for the purchase money Now in
consideration of the premises the said Charles L. Harris Commissioner
as aforesaid doth by these presents bargain sell deliver and
convey unto the said James Harney one undivided half or
moiety of said 73 acre tract or parcel of land which belonged to the

said John W. M. Ely living and being in said County of Lee with
all the appurtenances thereto belonging And the said Harris
Commissioner as aforesaid covenants with said Ramsey that he
will only warrant Specially the land hereby conveyed, and
a lien thereon is hereby obtained for the purchase money thereof
Witness the following Signature and Seal

Charles T. Harris Seal

Lee County Court Clerk's office the 19th day of Octr 1870

This Indenture of bargain and Sale for land between Charles
T. Harris Commissioner of the one part, and James Ramsey
of the other part was this day acknowledged before me in
my office by the said Charles T. Harris to be his act and
deed, And the same being stamped as required by law is
admitted to record.

James W. Orr. D. Clerk

James Hamey

From { Reed,

Charles T. Harris Comr



The Commonwealth of Virginia,



TO THE SHERIFF OF LEE COUNTY---GREETING:

WE COMMAND YOU TO SUMMON *George Russell, Julia A Russell, Eli F Wells,*
Charles H Wells, Sophia E Wells, & Squire Wells.

to appear before the Judge of our County Court for Lee County, at the Court-House, in the Clerk's Office, at Rules to be holden for said Court, on the *first* Monday in *November* next, to answer a bill in Chancery, exhibited in our said Court, against *them* by *James Ranney.*

And have then there this writ. Witness, JOHN B. WEST, Clerk of our said Court, at the Court-House, this *24th* day of *October* 1870, in the *75th* year of the Commonwealth.

James W Orr Jr. Clerk.

James Ramsey

vs Z. B. in Chy

George Russell et als

November Rules 1840.

Procedura
 in de Rechtszaken
 for

for Page 1 & 2



The Commonwealth of Virginia,



TO THE SHERIFF OF LEE COUNTY---GREETING;

WE COMMAND YOU TO SUMMON *George Russell, Julia A. Russell, Eli F. Wells*
Charles H. Wells Sophia E. Wells and Squire Wells

to appear before the Judge of our County Court for Lee County, at the Court-House, in thh Clerk's
Office, at Rules to be holden for the said Court, on the *first* Monday in *November*
next, to answer a bill in Chancery, exhibited in our said Court, against *them* by *James*

Rumney

And have then there this writ. Witness, JOHN B. WEST, Clerk of our said Court, at the
Court-House this *29th* day of *October* 1870, in the *95th* year of the
Commonwealth.

..... *John B West* Clerk.

James Ramey

10 3/4 lbs in lby

George Russell tal
